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[Special Star-Bulletin Correspondence]

HILO, July 28.—Piercing, searching question volleys from Special Prosecutor Breckons directed this morning at Supervisor John A. Kealohe brought the first signs of distress this heretofore accused, but impervious county official, has shown during the three weeks that he has been made to face suspicion of grafting.

With only the defense "I do not remember" or "I do not know," Kealohe stood for fifteen minutes the penetrating quiz of Breckons and then in discomfiture left his place at the elbow of the questioner, where he was looking at entries in the memorandum book of the road department, and wheeled completely around and turned his back upon his questioner and sat down upon the chair in the witness' pedestal in the district court. As he once more faced the crowded courtroom it was evident that he had recovered his composure only by an extreme effort, his red stained eyes showing how near to a breakdown he had been.

Outwardly, Kealohe appeared a symbol of witness docility, but for almost the entire time he was on the stand his answers were evasive, and clothed in the age worn garments of accused men who trust to poor memory or lack of knowledge to keep from answering leading questions of prosecutors. This was the only defense that Kealohe could present, for he was a witness in a civil case and could not fall back upon the constitutional privilege given accused men in criminal cases of refusing to answer questions because they might incriminate.

Even the breathing spells of objections of a defending attorney were denied him for in the first place he had no attorney and secondly, he was not on trial but was called as a plaintiff's witness in a civil suit instituted by the county, purportedly to recover money due for crushed rock received by Otto Rose. The densest laymen, that he had a book, but did not know let alone the witness, could see that the reason of the questioning was to place Kealohe on record as stating that he had no records of crushed rock transactions with the defendant in the civil suit.

Criminal Case Postponed.

When the usual Monday morning criminal docket was read and the various cases of the petty wrongdoers were called and passed for later trial, the charge of embezzlement against Kealohe, for which he was arrested Saturday, was read. Preceding the reading of the charge, Judge Wise asked the supervisor if he had an attorney. He answered "no," but said he was willing "that it go on for hearing." The judge explained that he thought as the civil case against him had been postponed until he could get an attorney from Honolulu he might want the case to go over. Kealohe signified that it was a matter of indifference to him.

Breckons then moved for a postponement, stating that there were certain papers in the possession of County Treasurer Swain necessary for the prosecution to have and that he was out of town. Breckons asked for postponement until the afternoon. Kealohe said: "If it please the court, if it has to go over, it might as well go to Thursday." Evidently this was what the prosecution wanted and the criminal case against Kealohe was postponed until Thursday morning.

In the meantime, Breckons stated, he wanted Kealohe as a witness in another matter—a civil suit.

The civil suit against Otto Rose was then called. Before Kealohe, the first and only witness, was called to the stand, he was asked if he had brought into court the books and records which he had been ordered to produce.

Kealohe answered, "I have none to produce." Breckons wanted a more definite answer. The judge, prompted by the Kealohe subpoena, asked: "Did you have in your possession in 1911 or 1912 books or records showing receipt of moneys from sale of crushed rock?" The answer of Kealohe was that he had a book, but did not know where it was now. He said he left it in the office, meaning the office of the road overseer.

He was then called to the witness

stand, and took the oath. Almost one of the first questions asked was if he had destroyed certain records of his crushed rock transactions, while he was road overseer. The response was "I don't remember destroying them." "Have you made any search for them?" he was asked. "No," he replied.

"What form of records did you have?" was the next query. "There were memo books. They were left in the office." He was showed the entry of delivery of the crushed rock to Rose, but here the court called attention to the fact that the defendant had been given no opportunity to respond. This was due to the fact that Breckons was in a hurry to get the testimony of Kealohe on record, which was really the only purpose of the suit instituted against Rose.

Rose said he admitted owing the county for rock, but that he was charged for an amount in excess of what he had received.

Breckons resumed his questioning of Kealohe. "What have you to show that this rock was delivered to Rose?" was another query. John responded with one of his stand-by replies. "I do not know." At this point the answer or the question was not clear to Judge Wise, and he asked for enlightenment. Kealohe volunteered to give it, he not having lost his composure as yet. The explanation was that he knew of no record or paper showing the delivery of the stone to Rose.

Kealohe was questioned as to how the records were kept. He answered "On some kind of book, or any old kind of paper."

At this point Breckons started his grilling questioning, and finally got the answer he sought, that Kealohe knew of no slips, books or memos in his possession which would show what was done about the Rose purchase of stone.

One of the surprising answers to a stranger, but not thought to be particular uncommon by those who have been familiar with the loose way county business has in the past been transacted was the statement of Kealohe that he kept no accounts to show receipt of money for stone. When money came in for stone he kept it in his pocket and afterwards turned it into the county, he said. It was shortly before this when he made the positive statement about having no records, that the questioning had become so warm that Kealohe lost his usual composure.

With the concluding of the examination of Kealohe, Breckons asked for a weeks continuance of the case. This the defendant willingly granted.

Charles Maguire, the former county auditor who is serving a five year sentence at the volcano jail was in the court room, having been summoned as a witness against Kealohe in the embezzlement case. Maguire, physically, looks much better after his two months of confinement, he having lost considerable useless flesh. He was dressed in ordinary street clothes and was allowed to leave the court room without guard, he returning to the Breckons office at the Hilo hotel with an armful of books. To all his old acquaintance Maguire gave a pleased nod as he was greeted when they entered the court room. Rufus Lyman, who is also serving a sentence at the volcano jail for grafting is another prisoner who is here assisting the probers.

Kealohe's bond on the embezzlement charge was fixed at \$1,000 which was given by Joe Frank Ferreira, recently appointed Hilo sidewalk inspector, and Felix Brughelli, the Hilo horseman.

COUNTY WINS SUIT FROM VOLCANO STABLES[Special Star-Bulletin Correspondence]
HILO, July 28.—In the civil suit against the Volcano Stables, brought by the Hawaii investigation commission to recover \$210 paid that company for use of an auto by former Supervisor James Lewis, a decision was rendered in favor of the plaintiff by Judge Wise Friday morning. Attorney Majors appeared for the defendant and noted an appeal, after the decision, to the circuit court. Costs, attorney's commissions and interest bring the claim against the stables up to \$245.

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